



State of Arizona
Board of Respiratory Care Examiners
1400 W. Washington, Suite 200
Phoenix, Arizona 85007
(602) 542-5995 FAX (602) 542-5900
www.rb.az.gov

**BOARD OF RESPIRATORY CARE EXAMINERS
BOARD MEETING MINUTES**

Thursday, June 19, 2008, at 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix AZ

Board Members Present: Chair Toni Rodriguez, Catherine Lindstrom, James Love, John O'Donnell, Bill Cohagen, and David Sanderson

Board Members Absent: Vice Chair Becky Brimhall

Staff Present: Mary Hauf Martin, Executive Director

Valarie Davis, Administrative Assistant

David Geriminsky, Program and Project Specialist II

Board's Legal Counsel: Keely Verstegen, Assistant Attorney General

I CALL TO ORDER

The Meeting was called to order at 9:10 a.m. by Board Chair Toni Rodriguez, Ed. D.

DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

- 1.) Update on the continuing efforts to improve efficiency and better utilize the Board's resources. Noting that, in order to implement some of the necessary changes, the Board's website will be down during the day's Board Meeting.
- 2.) A major change is that the address of the Board's website will change to: www.rb.az.gov. Similarly, the Board's email address will change to: recept@rb.az.gov.
- 3.) Among the recent improvements to the website are two new items on the Complaints page:
 - i. A form that can be used to provide the Board with necessary information about complaints that are filed; and
 - ii. A list of the criminal violations that must be reported because they

may be deemed acts of "Unprofessional Conduct under Arizona law (A.R.S. § 32-3208). This is the law that states: All licensed Health Professionals are **obligated** to report any involvement in criminal activity within 10 Days. If a licensee does not comply with this requirement, it will be deemed "Unprofessional Conduct" which may lead to further disciplinary action by the Board.

- 4.) A reminder that the Rules now require all license Applicants to inform the Board immediately, by fax or e-mail, of the following:
 - i. A change in any non-contact information provided on the license application,
 - ii. A change in the applicant's employment status and the reason for the change,

OR

 - iii. Other information that a reasonable person would believe is relevant to the Board's decision to grant or deny a license to the applicant.
-
- 5.) An announcement that no public comments were received on the pending Rules package. The Proposed Rules, adopted at the March 20, 2008 meeting of the Board, are on the following topics:
 - i. Reinstatement of Expired License; Request for Modification of Probation
 - ii. An amended definition of Professional Conduct

The Executive Director went over this information with the Board, including an update on the changes of the email addresses and website of the Board. She also reported on the two new complaints-related additions to the website. These additions can be found at <http://www.rb.az.gov/complaints.htm>.

II APPROVAL OF MINUTES

Meeting held on May 15, 2008

John O'Donnell moved approval of the Minutes as presented. **Bill Cohagen** seconded. **The Motion passed.**

III DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE

A. Recommended for approval by the Executive Director

Samuel Agrigoroae	Ali Amanet	Mary Baliey
Lloyd Bartholomew	Debra Brislan	Jonathan Carroll
Karrie Clark	Sherrie Clements	Heather Drebes
Peggy Effort-Cameron	David Fernandez	Susan Gibbs
Jaime Grosinsky	Michelle Jones	Clarence Hughes
Ryan Keller	James Kemmerlin	Melissa Krueger
Gary Marker	Lilia Marquez	Kimberlee Parks
Aimee Richards	Jennifer Rincon	Catherine Rodriguez
Debora Romanet	Naomi Scalett	Lisa Shivery
Scott Shultz	Cheryon Simon	Ivy Sovia
Lacey Testamarck	Maricel Thompson	Robert Welsh
Erica Williford	Brian Winkler	Nicole Zimmerman

Bill Cohagen moved approval of the abovementioned individuals recommended by the Executive Director. **John O'Donnell** seconded the Motion. **The Motion passed.**

B. Application for Licensure

1. Katherine Normand Case Number C002276-08-8324

Ms. Normand was present. The Executive Director summarized Ms. Normand's situation, stating that she had provided the necessary documents establishing that she is eligible for permanent licensure. After discussion, **Catherine Lindstrom** moved that Ms. Normand be granted a license. **John O'Donnell** seconded. **The Motion passed.**

C. Re-Application for Licensure/Interview

Recommended for approval by the Executive Director

Pedro Herrera	Jodi Nicola	Joseph Schemlitz
Chad Taylor	Joseph Wilson	

John O'Donnell moved approval of the abovementioned individuals recommended by the Executive Director. **Bill Cohagen** seconded the Motion. **The Motion passed.**

Interview

1. Michelle Thomas Case Number C002279-08-8640

Catherine Lindstrom moved to approve Michelle Thomas's Re-application for Licensure under a Rehabilitative Order of Probation. The Probation consists of her continuing to pay all fines, abstain from alcohol, attend a 12 step program once per week, obtain a sponsor, have random bodily fluid screens, and have her employer report on her job performance as well as the standard terms of probation. After discussion **David**

Sanderson seconded. **The Motion Passed.**

D. Ratification of Temporary Licenses Issued pursuant to A.R.S. § 32-3521

Lindsey Anderson	Jessica Arenas	Stella Bagger
Mary Bigley	Jeanie Bonnell	Michelle Castroita
Diana Deever	Christy Eastman	Michelle Fry
Christina Griffeth	Lee Knight	Barbara McCormick
Sandra McFadden	Susan Memberg	Monica Mendenhall
Rosa Neely	Tamara Perry	Mona Rodriguez
Petra Saiz	Haley Spiking	Kristin Tripp
Kati Turner	Jessica Vargas	Pandora Snyder
Jennifer Taylor	Christina Walker	Gulnora Witas
Joseph Wooster	Trixie Zambrano	

John O'Donnell moved ratification of the abovementioned individuals recommended by the Executive Director. **Bill Cohagen** seconded the Motion. **The Motion passed.**

E. Temporary License Interview

1. Amanda Callen Case Number C002277-08-0000

Ms. Callen was present. **Catherine Lindstrom** moved to Grant Ms. Callen a Temporary license under a Rehabilitative Order of Probation. The Probation consists of random bodily fluid screens and monthly reports from the methadone clinic informing the Board of her progress as well as the standard terms of probation. **John O'Donnell** Seconded. **The Motion Passed.**

IV DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Individuals recommended for closing of application files.

Rashell Krob	Andreiana Martinez	Shana McGrath
Andrea Murillo	Mark Rye	

David Sanderson moved that the Board administratively close the application files of the abovementioned individuals. **John O'Donnell** seconded. **The Motion passed.**

V DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF TWO YEAR INACTIVE FILES

Individuals recommended for closing of inactive files.

Steven Alexander	Lori Allison	Jessica Barak
------------------	--------------	---------------

Rebecca Baxter
Rebecca Brown
Tracy Caekaert
Kim Desmarais
Marilyn Graham
Chris Lambros
Jenna Runyon
Brandie Webb

Andrea Beabes
Patricia Brownlee
Anne Coulter
Adolph Esquibel
Yvette Jorden
Gilbert Leos
Daniel Small

Valerie Bondeson
Michelle Burch
Robin Denker
Janice Faust
Margaret Krumwiede
Cary Roehl
Anabel Verdugo

The Executive Director stated that these were routine two year inactive license files.

John O'Donnell moved that the Board administratively close the two year inactive files of the aforementioned individuals. **Catherine Lindstrom** seconded. **The Motion passed.**

VI DISCUSSION/ACTION ON NOTICES OF LICENSE EXPIRATIONS

Notice of License Expirations to the following individuals:

Cherilyn Converse
Robin Felton
Heidi Maas
Hannah Pralle
Jane Weiland

Gerry Desilets
Barbara Hinkel
Sandra Meza
Michele Saulnier
Betty Wilcox

Pamela Diffin
Clare Hubbell
Erlinda Miller
Robert Swift
Mary Zitta

The Executive Director stated that these were routine license expirations.

David Sanderson moved to approve these license expirations. **John O'Donnell** seconded. **The Motion passed.**

VII DISCUSSION/ACTION ON REINSTATEMENT OF EXPIRED LICENSES

Ratify licenses issued by the Executive Director to individuals who met requirements for renewal.

Alex Adea
William Rogers

Melaine Badillo-Wilson
Emily Smith

Martha Lopez

The Executive Director reported that these were routine license reinstatements.

John O'Donnell moved to ratify these reinstated licenses. **Bill Cohagen** seconded. **The Motion passed.**

VIII CONSIDERATION AND ACTION ON INVESTIGATIONS OF UNPROFESSIONAL CONDUCT

There were no new allegations on this Agenda.

IX CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. 32-3553(G)

1. James P. Craig Case Number C002255-08-6754
2. Michael Burk Case Number C002252-08-7810
3. Ty Williams Case Number 04426-07-2305
4. Ronald Crandell Case Number C002224-08-1959

1. James P. Craig Case Number C002255-08-6754

Mr. Craig was present. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Craig. After reviewing all case relevant documentation and discussion, **James Love** moved to place Mr. Craig's license under a three year rehabilitative Order of Probation. The Probation consists of 3 Narcotics Anonymous meetings a week, that Mr. Craig must notify his employer and all the other standard terms of probation. **David Sanderson** Seconded. **The Motion Passed.**

2. Michael Burk Case Number C002252-08-7810

Mr. Burk was present. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Burk. After reviewing all case relevant documentation and discussion, **James Love** moved to place Mr. Burk's license under a Disciplinary Order of Probation. The Probation consists of requiring Mr. Burk to attend Sexual Harassment Classes, to report to the Board when the classes are complete, provide proof of completion to the Board, and all the other standard terms of probation. **John O'Donnell** Seconded. **The Motion Passed.**

Recused – Chair Toni Rodriguez

3. Ty Williams Case Number 04426-07-2305

Mr. Williams was present and represented by his lawyer Mr. Alan Tipton. **John O'Donnell** moved to table this agenda item to the next Board Meeting. After discussion **Bill Cohagen** seconded. **The Motion Passed.**

4. Ronald Crandell Case Number C002224-08-1959

Mr. Crandell was present. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Crandell. After reviewing all case relevant documentation

and discussion, **Chair Toni Rodriguez** moved to place Mr. Crandell's license under a rehabilitative Order of Probation. The Probation consists of requiring Mr. Crandell to attend counseling sessions in the area of learning how to set appropriate, ethical boundaries, to provide proof of attendance, to provide progress reports from the counselor, to ensure that Mr. Crandell follows through with all therapy/treatment recommendations, and all the other standard terms of probation. **James Love** Seconded. **The Motion Passed.**

**X CONSIDERATION AND ACTION ON FORMAL COMPLAINT
HEARINGS PURSUANT TO A.R.S. §32-3553(G)**

- | | | |
|----|-------------------|---|
| 1. | Rebecca Limato | Case Number 07152-08-2326, 10:00 a.m. |
| 2. | Stacy Scott | Case Number 07207-08-2314, 10:30 a.m. |
| 3. | Clara-Ellen Stant | Case Number C002134-08-7620, 11:00 a.m. |
| 4. | Michael Ryan | Case Number 01062-07-2306, 11:30 a.m. |
| 1. | Rebecca Limato | Case Number 07152-08-2326. |

The Board's Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. Ms. Limato was served by U.S. certified mail with the Board's Complaint and Notice of Hearing, which gave her notice of the time, place and location of the meeting; did not appear before the Board personally or by legal counsel. The case was presented on behalf of the State of Arizona by Keely Verstegen, Assistant Attorney General. Evidence was presented to the Board, through the testimony of the Executive Director, Mary Hauf Martin, to substantiate the information in the Complaint and Notice of Hearing. Board members expressed serious concerns about an individual who is charged with an Extreme DUI, who entered a plea agreement related to the charge for a Misdemeanor DUI, and who does report the arrest in a timely manner as required by Arizona law. Board members also expressed concerns regarding an individual who has an obligation to her regulatory board to provide follow-up court documents to establish she finished paying all fees owed related to her DUI.

After consideration and discussion, **Bill Cohagen** moved to adopt Findings of Fact and Conclusions of Law as set forth in the Complaint and Notice of Hearing. **Cathy Lindstrom** seconded. **The Motion passed.** After further discussion, **Cathy Lindstrom** moved to suspend the license of Rebekah Limato to practice respiratory care. **Jim Love** seconded. **The motion passed.**

- | | | |
|----|-------------|---------------------------|
| 2. | Stacy Scott | Case Number 07207-08-2314 |
|----|-------------|---------------------------|

The Board's Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. Ms. Scott was served by U.S. certified mail with the Board's Complaint and Notice of Hearing which gave her notice of the time, place and location of the meeting; but, did not appear in person or represented by legal counsel. The Board's Complaint directed Ms. Scott to respond to the allegation in writing. Ms. Scott did not respond.

The case was presented on behalf of the State of Arizona by Keely Verstegen, Assistant Attorney General. The Board's Executive Director, Mary Hauf Martin, was called as a witness; and stated that all the information in the Complaint was true to the best of her knowledge. Board members expressed serious concerns about an individual who tests positive on a drug

screen, and who fails to comply with an Interim Order. Board members found that a preponderance of evidence was presented to support the information in the allegation.

After discussion, **Cathy Lindstrom** moved to adopt Findings of Fact and Conclusions of Law as presented in the Complaint and Notice of Hearing. **Bill Cohagen** seconded. **The motion passed.** After further discussion, **Bill Cohagen** moved to revoke Respondent's license to practice respiratory care in Arizona. **Cathy Lindstrom** seconded. **The motion passed.**

3. Clara-Ellen Stant

Case Number C002134-08-7620

Ms. Stant was present. Ms. Stant tested positive for Propoxyphene on a pre-employment drug test. The screen was conducted on a sample collected from Respondent on September 27, 2007. Ms. Stant did not provide a valid prescription to her employer, and was terminated because of the positive drug screen. Ms. Stant has not provided a valid prescription for Propoxyphene to the Board. This Consent agreement was prepared and signed prior to the Board meeting, then presented to the Board for review and ratification. Under the agreement, Ms. Stant's license is placed on probation, with terms and conditions. The Terms of probation include attendance to a Chemical dependency evaluation, have the evaluation forwarded to the board, follow through with any recommendations of the chemical dependency evaluator, inform employers of this order, attend random drug screens, abstain from the use of unauthorized drugs, provide proof of prescriptions when issued, as well as all the standard terms of probation.

James Love moved to Ratify the Consent Agreement. After discussion, **Catherine Lindstrom** seconded. **The Motion passed.**

4. Michael Ryan

Case Number 01062-07-2306

The Board's Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. Mr. Ryan was served by U.S. certified mail with the Board's Complaint and Notice of Hearing, which gave him notice of the time, place and location of the meeting; but, did not appear in person or represented by legal counsel. The Board's Complaint directed Mr. Ryan to respond to the allegation in writing. While he did not provide a written response to the allegations, on June 18, 2008, Respondent submitted a request to reschedule the hearing. This request was received via facsimile. Respondent's rationale for his request was that he could not afford to comply with the requirements of an Interim Order issued to him. Board members noted that Respondent had made no attempt whatsoever to comply, even with a provision of the Interim Order (a Pharmacy Profile) that he could have completed at no expense. After discussion, the Board voted unanimously to deny Respondent's request for a continuance.

The case was presented on behalf of the State of Arizona by Keely Verstegen, Assistant Attorney General. The Board's Executive Director, Mary Hauf Martin, was called as a witness; and stated that all the information in the Complaint was true to the best of her knowledge.

Dawn Coleman, the System Manager for the Respiratory Department of Scottsdale Healthcare was interviewed telephonically by Board staff. Ms. Coleman stated that she was on duty the day she got the call about Respondent. An ER Physician called her regarding Respondent's behavior in the ER while treating a patient. The ER Physician thought that Respondent might have been drunk and wanted Ms. Coleman to send Respondent for a For Cause drug screen. Respondent was then sent for the screen that resulted in a positive drug screen for Marijuana.

After discussion, the Board found that a preponderance of evidence was presented to support the information in the allegation. **Board Chair Toni Rodriguez** moved to adopt Findings of Fact and Conclusions of Law as presented in the Complaint and Notice of Hearing. **John O'Donnell** seconded. **The motion passed.** After further discussion, **Bill Cohagen** moved to revoke Respondent's license to practice respiratory care in Arizona. **John O'Donnell** seconded. **The motion passed.**

XI CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

A. Informal Interview Regarding Probation Compliance/Non-compliance with Interim Order

1. April Grace

Ms. Grace was present. The Board took no action on this matter.

B. Informal Interview Regarding Probation Compliance

- | | | |
|----|-----------------|-----------------------------|
| 1. | Mitchell Hartin | Case Number 02250-07-7413 |
| 2. | James Bradshaw | Case Number C002133-08-8125 |
| 3. | Rita Wilson | Case Number 0283-07-2294 |
| 4. | Bunny Rayburn | Case Number C002132-08-8032 |
| 5. | Jayson Bruce | Case Number 02823-07-2294 |

1. Mitchell Hartin Case Number 02250-07-7413

Mr. Hartin was present. The Board took no action on this matter.

2. James Bradshaw Case Number C002133-08-8125

Mr. Bradshaw was present. The Board took no action on this matter.

3. Rita Wilson Case Number 0283-07-2294

Ms. Wilson was present. Ms. Wilson applied to have her probation lifted. **David Sanderson** moved to lift Ms. Wilson's probation. **Bill Cohagen** seconded. **The Motion Passed.**

4. Bunny Rayburn Case Number C002132-08-8032

Ms. Rayburn was present. The Board took no action on this matter.

5. Jayson Bruce Case Number 02823-07-2294

Mr. Bruce was present. Mr. Bruce applied to have his probation lifted. After reviewing his compliance file, **John O'Donnell** moved to lift Mr. Bruce's probation. **David Sanderson** seconded. **The Motion Passed.**

XII CALL TO THE PUBLIC

There was no public presentation to the Board.

XIII ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, July 17, at 9:00 a.m.

XIV ADJOURNMENT

Chair Toni Rodriguez adjourned the meeting at 3:35 p.m., without objection

DATED this __th day of July, 2008.

Mary Hauf Martin, Executive Director